

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2008 Legislative Session

Legislative Day No. **4**

Bill No. 24 -2008

Introduced by: The Chairperson at the request of the County Executive

AN ACT establishing a Design Advisory Panel; requiring review by the Panel at the certain times in the development process and for the development of certain types of parcels; providing for the membership, chair, and staffing of the Panel; providing the guidelines and principals for the Panel to apply; providing for the duties and responsibilities of the Panel; requiring certain recommendations be made to the Director of the Department of Planning and Zoning; providing that the Director of Planning and Zoning and Hearing Authority can consider recommendations as a condition of plan and conditional use approval; authorizing the adoption of certain Rules of Procedure; authorizing certain fees; providing for certain exceptions applicable to the Panel; providing for certain appeals; requiring certain disclosures; providing for the expiration dates of the terms of the initial members of the Panel; providing for the application of this Act; and generally relating to the Design Advisory Panel.

Introduced and read first time _____, 2008. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2008 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2008 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2008

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, at the time this Act is pending, the County Council has adopted a Design Manual
2 for the Route 1 Corridor which is why the Route 1 Manual is the focus of this Act. As future
3 design manuals or master plans setting forth design guidelines are adopted by legislative action
4 of the County Council, the development or redevelopment of parcels subject to those adopted
5 manuals or plans may be subject to Design Advisory Panel review. Expanding the scope of the
6 Design Advisory Panel to include review of these parcels would require the future amendment of
7 Subtitle 15 of Title 16 of the Howard County Code.

8
9 **NOW, THEREFORE,**

10
11 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that Section*
12 *2.103 “Applicability” of Article II “Administrative Rules” of Subtitle 1 “Administrative*
13 *Procedure Act” of Title 2 “Administrative Procedures” of the Howard County Code is amended*
14 *to read as follows:*

15
16 **Title 2. Administrative Procedures**

17 **Subtitle 1. Administrative Procedure Act.**

18 **Article II. Administrative Rules.**

19
20 **Section 2.103. Applicability.**

21 (a) *General:* Except as provided in subsection (b), the provisions of [this] article II shall apply to
22 and govern the adoption of rules by all county agencies which are authorized to make rules. In
23 the event of a conflict between this subtitle and a substantive provision of an enabling act of an
24 agency, the latter shall prevail.

25 (b) This article does not apply to the following agencies: The adult public guardianship review
26 board, the advisory board on consumer affairs, the board of appeals, the board of library trustees,
27 the board of license commissioners, the board of social services, the cable advisory committee,
28 the commission on aging, THE DESIGN ADVISORY PANEL, the fire and rescue services board, the
29 historic landmarks and sites board, the mental health advisory board, the plumbing advisory
30 board, the public works board, the recreation and parks board, the alcohol and drug abuse

1 advisory board, the commission on disability issues, the council for children and youth, and the
2 soil conservation district.

3
4 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland,
5 *that new Section 6.340 “Design Advisory Panel” is added to Subtitle 3 “Boards and*
6 *Commissions” of Title 6 “County Executive and the Executive Branch” of the Howard County*
7 *Code to read as follows:*

8
9 **Title 6. County Executive and the Executive Branch.**

10 **Subtitle 3. Boards and Commissions.**

11
12 **SECTION 6.340. DESIGN ADVISORY PANEL.**

13 THERE IS A DESIGN ADVISORY PANEL. ITS MEMBERSHIP, DUTIES, AND RESPONSIBILITIES ARE SET
14 FORTH IN SUBTITLE 15, “DESIGN ADVISORY PANEL,” OF TITLE 16, “PLANNING, ZONING AND
15 SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS” OF THE HOWARD COUNTY CODE.

16
17 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland,
18 *that subsection (b) of section 16.145 “Sketch plan; preliminary equivalent sketch plan”,*
19 *subsection (b) of Section 16.146 “Preliminary Plan”; subsection (b) of Section 16.147 “ Final*
20 *subdivision plan and final plat”; all of Article IV “Procedures for Filing and Processing*
21 *Subdivision Applications” of Subtitle 1 “Subdivision and Land Development Regulations” of*
22 *Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the*
23 *Howard County Code are amended to read as follows:*

24
25 **Title 16. Planning, Zoning and Subdivisions and**

26 **Land Development Regulations.**

27 **Subtitle 1. Subdivision and Land Development Regulations.**

28 **Article IV. Procedures for Filing and Processing Subdivision Applications.**

29
30 **Section 16.145. Sketch plan; preliminary equivalent sketch plan.**

31 *(b) Procedures:*

- (1) *Informational meeting prior to plan submission:* The developer, especially the developer of a large or complex project, is encouraged to contact the Department of Planning and Zoning to schedule an informational meeting with the Department and other appropriate agencies prior to submitting the sketch plan or preliminary equivalent sketch plan so that requirements for adequate public facilities testing, the General Plan, the capital improvement program and other information can be provided prior to formal submission of the plan application.
- (2) *Pre-submission community meeting:* If the initial plan submittal for a residential subdivision is a sketch plan or preliminary equivalent sketch plan, the developer of the subdivision is required to hold a pre-submission community meeting in accordance with Section 16.128 of this Subtitle.
- (3) *DESIGN ADVISORY PANEL REVIEW:*
- (I) *REVIEW.* IF REQUIRED BY SUBPARAGRAPHS (II), (III), AND (IV) OF THIS PARAGRAPH, A DEVELOPER SHALL SUBMIT A PROJECT FOR REVIEW BY THE DESIGN ADVISORY PANEL AND THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY CONSIDER RECOMMENDATIONS MADE BY THE DESIGN ADVISORY PANEL IN ACCORDANCE WITH SECTION 16.1504 OF THIS SUBTITLE AS A CONDITION OF PLAN APPROVAL FOR PROJECTS LOCATED ON PROPERTY SUBJECT TO DESIGN ADVISORY PANEL REVIEW AS SET FORTH IN SECTION 16.1501 OF THIS SUBTITLE.
- (II) *SKETCH PLANS SUBMITTED ON OR AFTER ~~SEPTEMBER 2~~ NOVEMBER 3, 2008.* FOR SKETCH PLANS SUBMITTED ON OR AFTER ~~SEPTEMBER 2~~ NOVEMBER 3, 2008, A DEVELOPER SHALL SUBMIT THE PROJECT FOR DESIGN ADVISORY PANEL REVIEW PRIOR TO SUBMISSION OF THE SKETCH PLAN.
- (III) *SKETCH PLANS SUBMITTED BEFORE ~~SEPTEMBER 2~~ NOVEMBER 3, 2008.* FOR SKETCH PLANS SUBMITTED BEFORE ~~SEPTEMBER 2~~ NOVEMBER 3, 2008, A DEVELOPER SHALL SUBMIT THE PROJECT FOR DESIGN ADVISORY PANEL REVIEW PRIOR TO A DETERMINATION THAT THE PLAN IS TECHNICALLY COMPLETE.

(IV) *SKETCH PLANS TECHNICALLY COMPLETE BEFORE ~~SEPTEMBER 2~~ NOVEMBER 3, 2008.* FOR SKETCH PLANS THAT ARE TECHNICALLY COMPLETE BEFORE ~~SEPTEMBER 2~~ NOVEMBER 3, 2008, A DEVELOPER SHALL SUBMIT THE PROJECT FOR DESIGN ADVISORY PANEL REVIEW AS A CONDITION OF APPROVAL OF SUBSEQUENT PRELIMINARY AND SITE DEVELOPMENT PLAN APPROVAL.

[[(3)]] (4) *Submit application; pay fees:* A developer applies for approval of a sketch plan or preliminary equivalent sketch plan by submitting the following items to the Department of Planning and Zoning for the entire parcel being subdivided:

- (i) An application form and checklist;
- (ii) The required number of copies of the plan, which shall be:
 - (a) In accordance with the provisions of subsection (c), "Required Information for Sketch Plan," of this section; or
 - (b) If this is a preliminary equivalent sketch plan, in accordance with subsection (c), "Required Information for Preliminary Plan," of Section 16.146, "Preliminary Plan," of this Subtitle; and
- (iii) The appropriate application fee.

[[(4)]] (5) *Notice of new residential developments:*

- (i) *Requirement to give public notice:* If the sketch or preliminary equivalent sketch plan is the initial plan submittal for new residential development and is submitted after November 15, 2001, within 3 working days the developer shall post public notice on the property.
- (ii) *Location:* The posters provided by the Department of Planning and Zoning shall be posted at the site of the proposed roadway entrances so that local residents may reasonably be expected to see them.
- (iii) *Duration:* The notice shall remain in place at least 30 days.
- (iv) *Content:* The notice shall:
 - a. State that a new residential development is proposed to be constructed at the site.
 - b. Give the sketch or preliminary equivalent sketch plan number.

- 1 c. Indicate that the sketch or preliminary equivalent sketch plan is
2 available for inspection at the Department of Planning and Zoning.
- 3 (v) *Notification to persons who comment:* Any person commenting on a
4 sketch plan or preliminary equivalent sketch plan within 14 days of plan
5 submission shall be notified by the Department of Planning and Zoning
6 that changes have occurred to the proposed plans at any stage of the
7 review process.
- 8 (vi) *No delay:* The notification requirements of this subsection shall not be
9 construed to delay the normal processing of the sketch or preliminary
10 equivalent sketch plan.
- 11 [[(5)]] (6) *Processing of application:* Processing of the application for approval of the
12 sketch or preliminary equivalent sketch plan will follow the general procedures
13 outlined in Section 16.144 "General Procedures Regarding the Subdivision
14 Process," of this Subtitle.
- 15 [[(6)]] (7) A developer who is proposing the redevelopment of a golf course shall
16 comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the
17 terms "redevelopment" and "golf course" shall have the meaning set forth in
18 Section 16.129 of this Subtitle.
- 19 [[(7)]] (8) *Approval binding on county:*
- 20 (i) Approval of a sketch plan is binding on the county for 7 years provided
21 that the subdivision is processed in accordance with the schedule included
22 in the approved plan and:
- 23 a. A preliminary plan is submitted within:
- 24 1. 4 months of sketch plan approval (subdivisions of 50 or
25 fewer housing units);
- 26 2. 6 months of sketch plan approval (subdivisions of 51--100
27 housing units);
- 28 3. 9 months of sketch plan approval (subdivisions of 101 or
29 more housing units);
- 30 4. 9 months of sketch plan approval for nonresidential
31 subdivisions; and

- 1 b. A final plan is submitted within:
- 2 1. 4 months of preliminary plan approval (subdivisions of 50
- 3 or fewer housing units);
- 4 2. 6 months of preliminary plan approval (subdivisions of 51--
- 5 100 housing units);
- 6 3. 9 months of preliminary plan approval (subdivisions of 101
- 7 or more housing units);
- 8 4. 9 months of preliminary plan approval for nonresidential
- 9 subdivisions.

10 (ii) Approval of a preliminary equivalent sketch plan is binding on the county

11 for 7 years provided that the subdivision is processed in accordance with

12 the schedule included in the approved plan and a final plan is submitted

13 within:

- 14 a. 4 months of preliminary equivalent sketch plan approval
- 15 (subdivisions of 50 or fewer housing units);
- 16 b. 6 months of preliminary equivalent sketch plan approval
- 17 (subdivisions of 51--100 housing units);
- 18 c. 9 months of preliminary equivalent sketch plan approval
- 19 (subdivisions of 101 or more housing units);
- 20 d. 9 months of preliminary equivalent sketch plan approval for
- 21 nonresidential subdivisions.

22 [[(8)] (9) *File original tracings of approved plan:* The developer shall file original

23 tracings of the approved sketch or preliminary equivalent sketch plan with the

24 Department of Planning and Zoning prior to the submission of the next plan stage.

25 The original tracing shall be on a durable, reproducible of mylar or comparable

26 material approved by the Department of Planning and Zoning.

27

28 **Section 16.146. Preliminary Plan.**

29 (b) *Procedures:*

- 30 (1) *Submit application; pay fees:* A developer may apply for approval of a
- 31 preliminary plan by submitting to the department of planning and zoning:

- 1 (i) An application form;
- 2 (ii) The required number of copies of the preliminary plan, which shall be in
- 3 accordance with the provisions of subsection (c), "Required Information
- 4 for Preliminary Plan," of this section; and
- 5 (iii) The appropriate application fee.
- 6 (2) *Processing of application:* Processing of the application for approval of the
- 7 preliminary plan will follow the general procedures outlined in section 16.144,
- 8 "General Procedures Regarding the Subdivision Process," of this subtitle.
- 9 (3) *DESIGN ADVISORY PANEL REVIEW:*
- 10 (i) *APPLICABILITY. THIS PARAGRAPH SHALL APPLY:*
- 11 A. IF THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT
- 12 A PRELIMINARY PLAN IS NOT CONSISTENT WITH AN APPROVED
- 13 SKETCH PLAN; OR
- 14 B. IF A SKETCH PLAN IS TECHNICALLY COMPLETE BEFORE ~~SEPTEMBER 2~~
- 15 NOVEMBER 3, 2008.
- 16 (ii) IF APPLICABLE, A DEVELOPER SHALL SUBMIT A PROJECT FOR REVIEW BY
- 17 THE DESIGN ADVISORY PANEL AND THE DIRECTOR OF THE DEPARTMENT OF
- 18 PLANNING AND ZONING MAY CONSIDER RECOMMENDATIONS MADE BY THE
- 19 DESIGN ADVISORY PANEL IN ACCORDANCE WITH SECTION 16.1504 OF THIS
- 20 SUBTITLE AS A CONDITION OF PLAN APPROVAL FOR PROJECTS LOCATED ON
- 21 PROPERTY SUBJECT TO DESIGN ADVISORY PANEL REVIEW AS SET FORTH IN
- 22 SECTION 16.1501 OF THIS SUBTITLE.
- 23 ~~[(3)]~~ (4) *Approval binding on county:*
- 24 (i) Applicability: This paragraph applies only to:
- 25 a. Subdivisions which:
- 26 1. Are conditionally exempt from the requirement for testing
- 27 of adequate public facilities pursuant to subtitle 11,
- 28 "Adequate Public Facilities," of this title; and
- 29 2. Had sketch plan approval prior to March, 1993; and

- 1 3. Met the milestone for submission of the preliminary plan.
- 2 b. Subdivisions which missed the milestone for submission of the
- 3 final plan and have been resubmitted for approval at the last plan
- 4 stage which had been approved before the milestone was missed.
- 5 (ii) Binding for 7 years: The preliminary plan is binding on the county for 7
- 6 years provided that the subdivision is processed in accordance with the
- 7 schedule included in the approved plan and a final plan is submitted
- 8 within:
- 9 a. 4 months of preliminary plan approval (subdivisions of 50 or fewer
- 10 housing units);
- 11 b. 6 months of preliminary plan approval (subdivisions of 51--100
- 12 housing units);
- 13 c. 9 months of preliminary plan approval (subdivisions of 101 or
- 14 more housing units);
- 15 d. 9 months of preliminary plan approval for nonresidential
- 16 subdivisions.

17 [[(4)] (5) *File original tracings of approved preliminary plan:* The developer shall file

18 original tracings of the approved preliminary plan with the department of

19 planning and zoning prior to the submission of the final plan. The original tracing

20 shall be on a durable, reproducible of mylar or comparable material approved by

21 the department of planning and zoning.

22

23 **Section 16.147. Final subdivision plan and final plat.**

24 (b) *Procedures:*

- 25 (1) *Pre-submission community meeting for minor subdivisions:* If the initial plan
- 26 submittal for a residential subdivision is a final plan located in the planned service
- 27 area for water and sewer, the developer of the subdivision is required to hold a
- 28 pre-submission community meeting in accordance with Section 16.128 of this
- 29 Subtitle.
- 30 (2) *DESIGN ADVISORY PANEL REVIEW:* IF THE DEPARTMENT OF PLANNING AND ZONING
- 31 DETERMINES THAT A FINAL PLAN IS NOT CONSISTENT WITH AN APPROVED SKETCH

1 OR PRELIMINARY PLAN, A DEVELOPER SHALL SUBMIT THE PROJECT FOR REVIEW BY
2 THE DESIGN ADVISORY PANEL AND THE DIRECTOR OF THE DEPARTMENT OF
3 PLANNING AND ZONING MAY CONSIDER RECOMMENDATIONS MADE BY THE DESIGN
4 ADVISORY PANEL IN ACCORDANCE WITH SECTION 16.1504 OF THIS SUBTITLE AS A
5 CONDITION OF PLAN APPROVAL FOR PROJECTS LOCATED ON PROPERTY SUBJECT TO
6 DESIGN ADVISORY PANEL REVIEW AS SET FORTH IN SECTION 16.1501 OF THIS
7 SUBTITLE.

8 [[(2)]] (3) *Submit application; pay fees:* A developer applies for approval of a final plan
9 by submitting the following items to the Department of Planning and Zoning for
10 the entire parcel or for phased subdivisions, the phase being subdivided:

- 11 (i) An application form;
- 12 (ii) The required number of copies of the final plan, which shall be in
13 accordance with the provisions of this section; and
- 14 (iii) The appropriate application fee.

15 [[(3)]] (4) *Notice of new residential minor subdivisions and resubdivisions:*

- 16 (i) *Requirement to give public notice:* If the final plan submission is the initial
17 plan submittal for new residential development and is submitted after
18 November 15, 2001, within 3 working days of the plan's submission the
19 developer shall post public notice on the property.
- 20 (ii) *Location:* The poster provided by the Department of Planning and Zoning
21 shall be posted at the site of the proposed development entrance so that
22 community residents may reasonably be expected to see it.
- 23 (iii) *Duration:* The notice shall remain in place at least 30 days.
- 24 (iv) *Content:* The notice shall:
 - 25 a. State that a new residential development is proposed to be
26 constructed at the site.
 - 27 b. Give the final plan number.
 - 28 c. Indicate that the plan is available for inspection at the Department
29 of Planning and Zoning.
- 30 (v) *No delay:* The notification requirements of this subsection shall not be
31 construed to delay the normal processing of the plan.

1 [[(4)]] (5) *Processing of application*: Processing of the application for approval of the
2 final plan will follow the general procedures outlined in Section 16.144, "General
3 procedures regarding the subdivision process," of this Subtitle.

4 [[(5)]] (6) A developer who is proposing the redevelopment of a golf course shall
5 comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the
6 terms "redevelopment" and "golf course" shall have the meaning set forth in
7 Section 16.129 of this Subtitle.

8 [[(6)]] (7) *Fee simple dedication of open space*: If dedication of open space to the
9 County or a homeowners' association is proposed, the developer shall submit an
10 original deed to the County prior to recordation of the final plat, granting good
11 and sufficient fee simple title to all open space required to be dedicated.

12 [[(7)]] (8) *Dedication of Easements*: If dedication of easements for water, sewer, storm
13 drainage, public storm water management facilities, shared septic facilities, other
14 public utilities, forest conservation, floodplains or preservation parcels is
15 proposed, the developer shall submit original deeds (or declaration of covenants
16 in the case of shared septic facilities) to the County prior to the recordation of the
17 final plat, granting the required easements.

18 [[(8)]] (9) *Recordation*: The Department of Planning and Zoning shall record the final
19 plat in the land records of Howard County and shall notify the developer by mail
20 of the date of recording and the plat number. For resubdivisions and correction
21 plats, the Department of Planning and Zoning shall also record a notation in the
22 form of a resolution that references the revised plat to be affixed to the previously
23 recorded lot or lots.

24
25 ***Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland,***
26 *that subsection (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) are renumbered*
27 *to be (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q), respectively, of Section*
28 *16.156 "Procedures" of Article V "Procedures for Filing and Processing Site Development Plan*
29 *Applications" of Subtitle 1 "Subdivision and Land Development Regulations" of Title 16*
30 *"Planning, Zoning and Subdivisions and Land Development Regulations" of the Howard County*
31 *Code.*

Section 5. And Be It Further Enacted by the County Council of Howard County, Maryland, that new subsection (b) is added to Section 16.156 "Procedures" of Article V "Procedures for Filing and Processing Site Development Plan Applications" of Subtitle 1 "Subdivision and Land Development Regulations" of Title 16 "Planning, Zoning and Subdivisions and Land Development Regulations" of the Howard County Code to read as follows:

**Title 16. Planning, Zoning and Subdivisions and
Land Development Regulations.**

Subtitle 1. Subdivision and Land Development Regulations.

Article V. Procedures for filing and processing site development plan applications.

Section 16.156. Procedures.

(B) DESIGN ADVISORY PANEL:

- (1) *REVIEW.* IF REQUIRED BY PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, A DEVELOPER SHALL SUBMIT A PROJECT FOR REVIEW BY THE DESIGN ADVISORY PANEL AND THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY CONSIDER RECOMMENDATIONS MADE BY THE DESIGN ADVISORY PANEL IN ACCORDANCE WITH SECTION 16.1504 OF THIS SUBTITLE AS A CONDITION OF PLAN APPROVAL FOR PROJECTS LOCATED ON PROPERTY SUBJECT TO DESIGN ADVISORY PANEL REVIEW AS SET FORTH IN SECTION 16.1501 OF THIS SUBTITLE.
- (2) *SITE DEVELOPMENT PLANS SUBMITTED ON OR AFTER ~~SEPTEMBER 2~~ NOVEMBER 3, 2008.* FOR SITE DEVELOPMENT PLANS SUBMITTED ON OR AFTER ~~SEPTEMBER 2~~ NOVEMBER 3, 2008, A DEVELOPER SHALL SUBMIT THE PROJECT FOR DESIGN ADVISORY PANEL REVIEW PRIOR TO SUBMISSION OF THE SITE DEVELOPMENT PLAN.
- (3) *SKETCH PLANS TECHNICALLY COMPLETE BEFORE ~~SEPTEMBER 2~~ NOVEMBER 3, 2008.* FOR SKETCH PLANS THAT ARE TECHNICALLY COMPLETE BEFORE ~~SEPTEMBER 2~~ NOVEMBER 3, 2008, A DEVELOPER SHALL SUBMIT THE PROJECT FOR DESIGN ADVISORY PANEL REVIEW AS A CONDITION OF APPROVAL OF THE SITE DEVELOPMENT PLAN.

- (4) *FURTHER REVIEW REQUIRED.* IF THE DIRECTOR OF PLANNING AND ZONING DETERMINES THAT A SITE DEVELOPMENT PLAN IS NOT CONSISTENT WITH THE PLAN INITIALLY REVIEWED BY THE PANEL, THE DIRECTOR OF PLANNING AND ZONING MAY REQUIRE ADDITIONAL REVIEW BY THE PANEL PRIOR TO PLAN APPROVAL.

Section 6. And Be It Further Enacted by the County Council of Howard County, Maryland, that new Subtitle 15 “Design Advisory Panel” is added to Title 16 “Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard County Code to read as follows:

Title 16. Planning, Zoning and Subdivisions and Land Development Regulations
SUBTITLE 15. DESIGN ADVISORY PANEL.

SECTION 16.1500. SHORT TITLE; PURPOSE.

(A) *SHORT TITLE.* THIS SUBTITLE SHALL BE KNOWN AS THE DESIGN ADVISORY PANEL ACT.

(B) *PURPOSE.* THERE SHALL BE A HOWARD COUNTY DESIGN ADVISORY PANEL (“PANEL”) IN ORDER TO:

- (1) PROVIDE EXPERT ADVICE TO THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING REGARDING PLANS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN ~~AREAS OF HOWARD COUNTY WHERE THERE IS A DESIGN MANUAL OR MASTER PLAN THAT SETS FORTH GEOGRAPHICALLY SPECIFIC DESIGN STANDARDS FOR THE AREA AND IN AGE-RESTRICTED ADULT HOUSING PERMITTED BY CONDITIONAL USE; AND DESIGNATED AREAS WHERE THERE IS A DESIGN MANUAL THAT IS ADOPTED BY THE COUNTY COUNCIL INCLUDING, WITHOUT LIMITATION, THE U.S. ROUTE 1 CORRIDOR OR IN AGE-RESTRICTED ADULT HOUSING PERMITTED BY CONDITIONAL USE; AND~~
- (2) ENCOURAGE EXCELLENCE IN ARCHITECTURE AND SITE DESIGN, TO IMPROVE DESIGN COMPATIBILITY WITH SURROUNDING DEVELOPMENT, TO PROMOTE REVITALIZATION, AND TO ENHANCE PROPERTY VALUES.

SECTION 16.1501. APPLICABILITY.

THE DESIGN ADVISORY PANEL SHALL REVIEW AND PROVIDE DESIGN ADVICE FOR NEW
DEVELOPMENT AND REDEVELOPMENT PROJECTS:

~~(A) ON PROPERTY SUBJECT TO A DESIGN MANUAL OR MASTER PLAN THAT SETS FORTH
GEOGRAPHICALLY SPECIFIC DESIGN STANDARDS; AND~~

(A) ON PARCELS LOCATED IN THE U.S. ROUTE 1 CORRIDOR THAT ARE ZONED CE, CAC, OR TOD,
OR THAT ADJOIN THE ROUTE 1 RIGHT-OF-WAY AND THAT ARE SUBJECT TO THE ROUTE 1 DESIGN
MANUAL; AND

(B) ON PARCELS ON WHICH AGE-RESTRICTED ADULT HOUSING IS TO BE CONSTRUCTED PURSUANT
TO A CONDITIONAL USE.

SECTION 16.1502. MEMBERSHIP; STAFF, RECORDS; MEETINGS.

(A) *GENERAL PROVISIONS.* GENERAL PROVISIONS APPLICABLE TO THE PANEL ARE SET FORTH IN
SUBTITLE 3, "BOARDS AND COMMISSIONS" OF TITLE 6, "COUNTY EXECUTIVE AND THE EXECUTIVE
BRANCH" OF THIS CODE.

(B) *NUMBER OF MEMBERS; METHOD OF APPOINTMENT.* THE PANEL SHALL CONSIST OF ~~FIVE~~ SEVEN
MEMBERS WHO SHALL BE APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE
COUNTY COUNCIL.

(C) *QUALIFICATIONS.*

(1) EACH MEMBER MUST BE A PROFESSIONAL IN ARCHITECTURE, CIVIL ENGINEERING,
LANDSCAPE ARCHITECTURE, URBAN PLANNING, OR A RELATED FIELD;

~~(1 2)~~ AT LEAST TWO MEMBERS SHALL BE ARCHITECTS WHO ARE LICENSED IN
MARYLAND;

~~(2 3)~~ AT LEAST ONE MEMBER SHALL BE A CIVIL ENGINEER WHO IS LICENSED IN
MARYLAND;

~~(3 4)~~ AT LEAST ONE MEMBER SHALL BE A LANDSCAPE ARCHITECT WHO IS LICENSED IN
MARYLAND; AND

~~(4 5)~~ AT LEAST ONE MEMBER SHALL BE AN URBAN PLANNER.

(D) *REAPPOINTMENT.* A PANEL MEMBER SHALL BE ELIGIBLE FOR RE-APPOINTMENT TO ONE
ADDITIONAL TERM.

1 (E) *EXECUTIVE SECRETARY*. THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING, OR
2 THE DIRECTOR'S DESIGNEE, SHALL SERVE AS THE EXECUTIVE SECRETARY TO THE PANEL.

3 (F) *MAINTENANCE OF RECORDS*. THE RECORDS OF ALL PROCEEDINGS AND THE BASIS FOR ALL
4 FINDINGS SHALL BE MAINTAINED IN THE NORMAL COURSE OF BUSINESS.

5 (G) *MEETINGS*. THE PANEL SHALL MEET AT LEAST TWICE A MONTH AND, IF NECESSARY, MORE
6 FREQUENTLY. MEETING NOTICE SHALL INCLUDE POSTING NOTICE ON THE HOWARD COUNTY WEB
7 SITE.

8
9 **SECTION 16.1503. GUIDELINES AND PRINCIPLES.**

10 THE PANEL IS TO APPLY ARCHITECTURAL, LANDSCAPE ARCHITECTURE, AND URBAN DESIGN
11 PRINCIPLES IN ORDER TO ACHIEVE THE FOLLOWING OBJECTIVES IN A PROPOSED PLAN:

12 (A) *SITE PLANNING* WHICH CREATES ATTRACTIVE VISUAL AND FUNCTIONAL RELATIONSHIPS OF THE
13 ON-SITE DESIGN ELEMENTS AND BETWEEN THE SITE AND THE SURROUNDING AREA;

14 (B) *BUILDINGS* AND OTHER STRUCTURES WHICH ARE SPATIALLY AND VISUALLY INTEGRATED INTO
15 AND SUITABLE FOR THE SITE AND SURROUNDING AREA;

16 (C) *ARCHITECTURAL FEATURES* WHICH ARTICULATE THE STRUCTURES, CREATE AN IDENTITY FOR
17 THE DEVELOPMENT WHILE BEING IN HARMONY WITH THE ADJACENT AND SURROUNDING BUILT
18 ENVIRONMENT, AND ARE CONSISTENT WITH THE:

19 (1) DESIGN REQUIREMENTS OF ~~AN AREA'S DESIGN MANUAL OR MASTER PLAN THAT SETS~~
20 ~~FORTH GEOGRAPHICALLY SPECIFIC DESIGN STANDARDS; OR THE ROUTE 1 MANUAL;~~
21 OR

22 (2) CRITERIA OF A CONDITIONAL USE, AS APPLICABLE;

23 (D) *OPEN SPACE* WHICH PROVIDES VISUAL ~~AND~~ FUNCTIONAL INTEGRATION OF THE STREETScape,
24 PUBLIC SPACES, AND PEDESTRIAN CONNECTIONS AND TRANSPORTATION CONNECTIONS;

25 (E) *LANDSCAPING* WHICH ENHANCES THE ARCHITECTURAL AND SITE DESIGN, WORKS WITH THE
26 NATURAL FEATURES OF THE SITE, PROVIDES ADEQUATE SCREENING, AND DEFINES SPACES ON THE
27 SITE; AND

28 (F) *DESIGN OBJECTIVES* IN THE ~~DESIGN MANUAL OR MASTER PLAN THAT SETS FORTH~~
29 ~~GEOGRAPHICALLY SPECIFIC DESIGN STANDARDS;~~ ROUTE 1 MANUAL OR COMPATIBILITY CRITERIA

FOR AGE-RESTRICTED ADULT HOUSING SET FORTH IN SECTION 131.N.1 OF THE HOWARD COUNTY ZONING REGULATIONS.

SECTION 16.1504. REVIEW REQUIRED; RECOMMENDATIONS; CONDITION OF DECISION.

(A) *RECOMMENDATIONS.* THE PANEL SHALL MAKE RECOMMENDATIONS CONSISTENT WITH THE ROUTE 1 MANUAL OR COMPATIBILITY CRITERIA FOR AGE-RESTRICTED ADULT HOUSING REGARDING:

- (1) THE DESIGN FOR BUILDINGS, VEHICULAR CIRCULATION AND ACCESS, PEDESTRIAN ACCESS AND LINKAGES, PARKING, LOADING, DUMPSTERS, EXTERIOR MECHANICAL UNITS, EXISTING TREES, LANDSCAPING, AND WALLS AND FENCES;
- (2) BUILDING SCALE AND MASSING IN RELATION TO AND COMPATIBLE WITH THE SURROUNDING AREA;
- (3) BUILDING ARCHITECTURAL STYLE, MATERIALS, ENTRANCES, WINDOWS, ROOF DESIGN, AND COLORS;
- (4) OPEN SPACE ON THE SITE INCLUDING PATHWAYS, PUBLIC SPACES, AMENITY AREAS, AND SIMILAR FEATURES;
- (5) THE DESIGN OF EXTERIOR LIGHTING DEVICES AND POTENTIAL DISTURBANCES TO THE PUBLIC AND ADJACENT PROPERTIES; AND
- (6) THE LOCATION, SIZE, AND DESIGN OF THE EXTERIOR SIGNS.

(B) *DIRECTOR MAY CONSIDER RECOMMENDATIONS.* THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY CONSIDER THE PANEL'S RECOMMENDATIONS IN MAKING A FINAL DECISION ON A PLAN OR AS A CONDITION OF PLAN APPROVAL IN CONNECTION WITH THOSE MATTERS INCLUDED IN SUBSECTION (A) OF THIS SECTION BASED ON DESIGN REQUIREMENTS CONTAINED IN THE ~~DESIGN MANUAL OR MASTER PLAN THAT SETS FORTH GEOGRAPHICALLY SPECIFIC DESIGN STANDARDS~~ ROUTE 1 MANUAL.

(C) *HEARING AUTHORITY MAY CONSIDER RECOMMENDATIONS.* THE HEARING AUTHORITY MAY CONSIDER THE PANEL'S RECOMMENDATIONS IN MAKING A FINAL DECISION ON A CONDITIONAL USE OR AS A CONDITION OF CONDITIONAL USE APPROVAL FOR AGE-RESTRICTED ADULT HOUSING IN CONNECTION WITH THOSE MATTERS INCLUDED IN SUBSECTION(A) OF THIS SECTION BASED ON THE GUIDELINES AND PRINCIPLES SET FORTH IN SECTION 16.1503 OF THIS SUBTITLE.

1 **SECTION 16.1505. TIMING OF RECOMMENDATIONS; SUBSEQUENT SUBMITTALS; FURTHER**
2 **REVIEW; APPEAL.**

3 (A) ~~TIMING OF RECOMMENDATIONS~~ RECOMMENDATIONS PRIOR TO INITIAL SUBMISSION. THE PANEL
4 SHALL CONSULT WITH AND MAKE RECOMMENDATIONS TO THE DIRECTOR OF THE DEPARTMENT OF
5 PLANNING AND ZONING PRIOR TO THE INITIAL SUBMISSION FOR A CONDITIONAL USE OR OF A
6 DEVELOPMENT PLAN AS SET FORTH IN THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

7 ~~(B) SUBSEQUENT SUBMITTALS. THE PANEL MAY REQUIRE THE APPLICANT TO PROVIDE UP TO ONE~~
8 ~~SUBSEQUENT SUBMITTAL FOR REVIEW AND ADVICE.~~

9 ~~(C) FURTHER REVIEW REQUESTED BY APPLICANT. DEPENDING ON THE COMPLEXITY OF THE~~
10 ~~PROPOSED DEVELOPMENT, AN APPLICANT MAY REQUEST AT THEIR INITIAL MEETING WITH THE~~
11 ~~PANEL TO DIVIDE PANEL REVIEW INTO TWO OR MORE STEPS.~~

12 ~~(D) APPEAL. THE DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING IS~~
13 ~~FINAL AND CAN BE APPEALED UNDER THE PROCEDURES OF TITLE 2 OF THE HOWARD COUNTY~~
14 ~~CODE.~~

15 (B) RECOMMENDATIONS WITHIN 45 DAYS. UNLESS A DELAY WAS CAUSED BY THE FAILURE OF AN
16 APPLICANT TO SUBMIT INFORMATION REQUESTED BY THE PANEL, THE PANEL SHALL MAKE A
17 RECOMMENDATION WITHIN 45 DAYS OF ACCEPTANCE OF A PLAN. IF A DELAY WAS NOT CAUSED BY
18 THE APPLICANT AND THE PANEL FAILS TO MAKE A RECOMMENDATION WITHIN 45 DAYS OF
19 ACCEPTANCE OF THE PLAN, FURTHER PANEL REVIEW IS NOT REQUIRED. A DEVELOPMENT PLAN
20 MAY THEN BE SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING IN ACCORDANCE WITH
21 THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

22 (C) SUBSEQUENT SUBMITTALS. THE PANEL MAY REQUIRE THE APPLICANT TO PROVIDE UP TO ONE
23 SUBSEQUENT SUBMITTAL FOR REVIEW AND ADVICE. SUBSEQUENT REVIEW SHALL BE COMPLETED
24 AND A RECOMMENDATION SHALL BE MADE WITHIN 30 DAYS OF THE PANEL'S RECEIPT OF THE
25 SUBSEQUENT SUBMITTAL.

26 (D) PHASED REVIEW REQUESTED BY APPLICANT. AT THE TIME OF PLAN SUBMITTAL AND DEPENDING
27 ON THE SCALE AND PHASING OF THE PROPOSED DEVELOPMENT, AN APPLICANT MAY REQUEST THAT
28 THE PANEL REVIEW A PLAN IN A SERIES OF TWO OR MORE STEPS.

29 (E) APPEAL. THE DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING IS
30 FINAL AND CAN BE APPEALED IN ACCORDANCE WITH SECTION 16.105 OF THE HOWARD COUNTY
31 CODE.

1
2 **SECTION 16.1506. RULES OF PROCEDURE.**

3 THE DESIGN ADVISORY PANEL SHALL ADOPT RULES OF PROCEDURE NECESSARY FOR THE
4 DISCHARGE OF ITS DUTIES THAT SHALL INCLUDE PROVISIONS FOR NOTICE TO THE PUBLIC OF THE
5 ~~PANEL'S MEETINGS AND A PROCEDURE FOR THE PUBLIC TO PROVIDE WRITTEN COMMENTS TO THE~~
6 ~~PANEL.~~ PANEL'S MEETINGS, A PROCEDURE FOR THE PUBLIC TO PROVIDE WRITTEN COMMENTS TO
7 THE PANEL, AND A PROCEDURE FOR THE DISTRIBUTION OF MEETING MINUTES TO THOSE WHO HAVE
8 PROVIDED WRITTEN COMMENTS.
9

10 **SECTION 16.1507. FEES.**

11 THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY RECOMMEND FEES FOR
12 REVIEW BY THE DESIGN ADVISORY PANEL THAT SHALL BE ADOPTED BY RESOLUTION OF THE
13 COUNTY COUNCIL.
14

15 *Section 7. And Be It Further Enacted by the County Council of Howard County, Maryland,*
16 *that subsection (a) of Section 22.205 "Financial disclosure" of Subtitle 2 "Public Ethics" of*
17 *Title 22 "General provisions, penalties and rules of interpretation" of the Howard County Code*
18 *is amended to read as follows:*
19

20 **Title 22. General provisions, penalties and rules of interpretation.**

21 **Subtitle 2. Public Ethics.**
22

23 **Section 22.205. Financial disclosure.**

24 (a) *Persons Required To File Statements of Financial Interests:* The following persons are
25 required to file statements of financial interests:

- 26 (1) All persons holding and candidates for the following public offices in the county:
27 (i) County Executive;
28 (ii) County Council members;
29 (2) All persons holding or appointed to the following positions:
30 (i) All executive exempt positions as listed in section 1.306 "Executive
31 exempt" of the Howard County Code;

- 1 (ii) All employees authorized to draft specifications for, negotiate or execute a
2 contract which commits the county or any of its boards, agencies or
3 departments to expend in excess of two thousand five hundred dollars
4 (\$2,500.00); and
- 5 (iii) All employees in a managerial or policy-making positions as determined
6 by the Ethics Commission upon recommendation of their department or
7 agency head. In making such a recommendation, the department or agency
8 head shall consider such factors as the employee's responsibility for
9 decision making and policy recommendation in the areas of contracting,
10 procurement, administration and/or monitoring of grants and subsidies,
11 planning or zoning, inspecting, licensing, regulating, auditing and
12 budgeting; and
- 13 (3) All members of the following boards and commissions:
- 14 (i) Board of Appeals;
- 15 (ii) Planning Board;
- 16 (iii) Recreation and Parks Board;
- 17 (iv) Public Works Board;
- 18 (v) Ethics Commission;
- 19 (vi) Housing and Community Development Board;
- 20 (vii) Agricultural Land Preservation Advisory Board;
- 21 (viii) Equal Business Opportunity Commission;
- 22 (ix) Historic District Commission;
- 23 (x) Board of Library Trustees;
- 24 (xi) Howard County Housing Commission;
- 25 (xii) Economic Development Authority Board;
- 26 (xiii) Howard County Retirement Plan Oversight Commission;
- 27 (xiv) Howard County Mental Health Authority Board;
- 28 (xv) Howard County Alcoholic Beverage Hearing [[Board, and]] BOARD;
- 29 (xvi) Howard County Revenue Authority [[Board.]] BOARD; AND
- 30 (XVII) DESIGN ADVISORY PANEL.
- 31

1 **Section 8. And Be It Further Enacted** by the County Council of Howard County Maryland, that
2 the Department of Planning and Zoning shall report to the County Executive and the County
3 Council 2 years after the effective date of this Act as to the progress and effectiveness of the
4 Design Advisory Panel.

5
6 **Section 89.** **And Be It Further Enacted** by the County Council of Howard County, Maryland,
7 that this Act shall apply beginning ~~September 2~~ NOVEMBER 3, 2008.

8
9 **Section 910.** **And Be It Further Enacted** by the County Council of Howard County, Maryland,
10 that the terms of the initial members of the Design Advisory Panel shall expire as follows:

- 11 (1) 2 members on ~~September~~ November 1, 20112010;
12 (2) 2 members on ~~September~~ November 1, 2012;and 2011;
13 (3) 1 member on ~~September~~ November 1, 2013.2012; and
14 (4) 2 members on November 1, 2013.

15
16 **Section 10-11.** **And Be It Further Enacted** by the County Council of Howard County,
17 Maryland, that this Act shall become effective 61 days after its enactment.